

**Council on Postsecondary Education  
Committee on Equal Opportunities  
November 1, 2012**

**Madisonville Community College  
Request for a Temporary Waiver of KRS 164.020(19)**

**ACTION:** The Council staff does not make recommendations regarding institutional waiver requests. Representatives of Madisonville Community College will present information in support of their waiver request to the Committee on Equal Opportunities. The Committee on Equal Opportunities, in response to the presentation, will interpret and discuss the information, make a recommendation, and forward their decision to the Council.

The Committee on Equal Opportunities is charged with monitoring institutional progress toward implementing the *Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution Diversity Plan Development*. The Committee makes recommendations to the Council on Postsecondary Education on the granting of waivers.

The CEO's recommendation for a waiver of the requirements of KRS 164.020(19) must be based on the combination of data provided in the agenda, as well as the presentation by the institution on the date of the meeting. The Committee in its recommendation to the Council must identify the extenuating circumstances that prevented an institution from making the necessary progress and the interpretation of data and information presented by institutional administrators that indicate the probability of success in the future.

The Diversity Policy is implemented through administrative regulation 13 KAR 2:060. The Kentucky Revised Statute establishes KRS 164.020(19) requires the Council to postpone the approval of new academic programs for those institutions who fail to meet equal opportunity goals established by the Council and further requires that institutions be able to secure a temporary waiver, if an institution has made substantial progress toward meeting the goals. This administrative regulation establishes the process for goal setting, measurement of progress, and how to secure a temporary waiver.

Following review of the institution's request for a waiver, the CEO shall make a recommendation to the Council on whether a waiver should be granted. The Council shall consider the institution's request at a subsequent meeting, following submission of information by the institution in support of their request, as well as receipt of the recommendation made by the CEO.

## **Background Information**

The administrative regulation (13 KAR 2:060) includes a statutory authority, KRS 164.020(19), that establishes the process an institution may use to be eligible to develop new degree programs or to have new degree programs considered for approval:

- Automatic eligibility: Continuous progress in six of eight objectives (universities) or four of six objectives (KCTCS) in *The Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution Diversity Plan Development*.
- Waivers: If an institution is not automatically eligible under the administrative regulation, the institution may request a one year waiver. A waiver request shall include a resolution submitted to the Council approved by the institution's governing board describing the institution's efforts to achieve the institution's diversity goals.
- A four-year institution shall be eligible to receive a waiver if:  
Continuous progress has been made in five of eight objectives (universities).
- A two-year institution shall be eligible to receive a waiver if:  
Continuous progress has been made in three of six objectives (KCTCS).

Both the four-year and two-year institutions must also receive approval by their institution's board with the expectation that the institution will submit information and make a formal presentation to the CEO in support of outstanding efforts that were attempted but have not yet proven to be successful.

Administrators from Madisonville Community College have selected to request a waiver. Institutions that are not automatically eligible under Section 4 of the administrative regulation may request a one-year waiver. Based on the evaluation of institutional progress in implementing its plan objectives, Madisonville is eligible to request a waiver under KRS 164.020(19). The KCTCS Board of Regents adopted a resolution September

21, 2012, and forwarded the resolution to the Council office October 5, 2012, in support of Madisonville Community College's waiver request, as required by the administrative regulation (see Attachments A and B).

A waiver may be approved for an institution failing to meet annual objectives, based upon Section 4, if the institution can demonstrate:

- 1.a. Outstanding efforts to achieve diversity were attempted which have not yet proven to be successful; or
- b. Extraordinary circumstances precluded success; and
2. Explains how the institution's revised plans for recruitment and retention of a diverse student body, and workforce diversity show promise of future success.

Madisonville Community College, with approval from the KCTCS Board of Regents, requested a temporary waiver of the requirements of KRS 164.020(19) to allow approval of new academic programs during calendar year 2012. The granting of a waiver by the CEO/CPE does not limit the number of new academic programs that Madisonville Community College may approve, or ask the Council to approve, during calendar year 2012. If a waiver is granted for calendar year 2012, Madisonville Community College will not be eligible to request a waiver in calendar year 2013.

Madisonville Community College submitted a report (Attachment 1A and 1B) in support of their request. An official from Madisonville Community College will attend the November 1, 2012, CEO meeting, to present/discuss the request as well as the supporting materials.

Staff preparation by Rana Johnson